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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,445	09/30/2003	Tomoyuki Mishima	109222.01	2615

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EXAMINER
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VORTMAN, ANATOLY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,445

Applicant(s)

MISHIMA ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/05 has been entered. Claim 1 has been amended, claims 1-3 are pending in the instant application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, are rejected under 35 U.S.C. 103(a) as being unpatentable over IDS reference US/5,619,036 to Salvio et al., (Salvio) taken with IDS reference EP/0751041 to Furuta et al., (Furuta) and with US/3,784,970 to Simpkin.

Regarding claims 1 and 2, Salvio disclosed (Fig. 1, 2) an apparatus for watching around a vehicle, the apparatus mounted thereon, the apparatus comprising: an image pick-up unit (10),

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having a reflective portion (20,22) and an imaging portion (not numbered, but clearly seen on Fig. 1 being positioned within member (34) and receiving focused rays) for picking up an image on the front end portion of the vehicle, the image pick-up unit (10) fitted to an opening of a grille (12) formed outside a vehicular radiator and a fan (the radiator and the fan are not shown, but inherently present); a display unit (587, 1030) for displaying the image, the display unit provided in the vehicle; and a control unit (see Fig. 2B of US/5,763,882, which is based on application 08/232,893, which is incorporated by reference into disclosure of Salvio (column 2, lines 45-50) and thus, is part of the disclosure of Salvio patent (see MPEP 2163.07 (b)) for processing the image, but did not disclose that only said reflective portion of the image pick-up unit extending beyond the grille so as to pick-up images from the left and right sides of the vehicle, and a warning unit coupled to the control unit and transmitting a warning signal to a user of another vehicle.

Furuta disclosed (Fig. 1, 7) a vehicular image pick-up system comprising: the image pick-up unit (30) having a reflective portion (10), which is only portion extending beyond the grille so as to pick-up the image from the left (C) and right (B) sides of a vehicle and an imaging portion (20) positioned behind the grill inside the engine compartment.

Since inventions of Salvio and of Furuta are from the same field of endeavor (vehicular safety systems), the purpose of the reflective portion of the image pick-up unit extending beyond the grille so as to pick-up images from the lateral sides of the vehicle, as taught by Furuta, would be recognized in the invention of Salvio.

It would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to position the reflective portion of the image pick-up unit of Salvio at least

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partially beyond the grille, as taught by Furuta, in order to enable said image pick-up unit to capture images from the lateral sides of the vehicle, in order to provide better information to the driver about traffic patterns around the vehicle and to augment general safety level provided by the system.

Simpkin disclosed a vehicular warning system (see Fig.) comprising: a warning unit (10) transmitting a warning signal to a user of another vehicle (via receiver (12)).

Since inventions of Salvio and of Simpkin are from the same field of endeavor (vehicular safety systems), the purpose of the warning unit, which transmits warning signal disclosed by Simpkin, would be recognized in the invention of Salvio.

It would have been obvious to a person of ordinary skill in the relevant art at the time the invention was made to supplement the apparatus of Salvio with the transmitting warning system of Simpkin in order to provide notification to the user of another vehicle about approaching vehicle.

Regarding claim 3, Simpkin disclosed a voice generating unit (52).

### ***Response to Arguments***

4. The main thrust of the Applicant's arguments is directed to the assumption that in Furuta "[A]s can be seen on Fig. 5a...the entire device is mounted on the bumper" (see Amendment, p. 5, lines 12-15). This is not persuasive, since in the rejection the Examiner has referred to the embodiments depicted on Fig. 1 and 7 of Furuta and not to Fig. 5a as alleged by the Applicant. Hence, the Applicant's arguments are believed to be irrelevant to the outstanding rejection. It can

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be clearly seen on Fig. 1 and 7 of Furuta, that the image pick-up unit (30) is mounted to the grille and only the reflective portion (10) of the image pick-up unit (30) is exposed, not the entire image pick-up unit (30).

Further, the Applicant contends that “[I]n neither Furuta nor Salvio is there any suggestion or motivation to combine the two devices” (see Amendment, p. 5, lines 17+). This is also not persuasive. The motivations to combine have been clearly and explicitly articulated in the final rejection and reiterated in the instant non-final rejection, i.e.: “in order to enable said image pick-up unit to capture images from the lateral sides of the vehicle, in order to provide better information to the driver about traffic patterns around the vehicle and to augment general safety level provided by the system” and “in order to provide notification to the user of another vehicle about approaching vehicle” (see rejection above).

The Examiner would like to remind the Applicant that there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV

A handwritten signature in black ink, appearing to read 'A. Vortman', followed by a long horizontal line.

Anatoly Vortman  
Primary Examiner  
Art Unit 2835